



COMMONWEALTH OF KENTUCKY
JUDICIAL ETHICS COMMITTEE
ADMINISTRATIVE OFFICE OF THE COURTS

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JUDICIAL ETHICS OPINION JE-4

Informal

Question: May a circuit judge serve on the civil service commission of a third class city where the only duties of the commission are to administer written tests to applicants for the city police force, interview the applicants, rank them on the basis of the test results and interviews, and submit the ranked list to the city council?

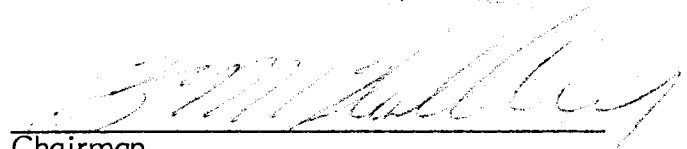
Answer: Qualified yes.

Reference: SCR 4.300, Canon 5G.

OPINION: Canon 5G provides that "A Judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. . . ."

This Committee has been informed that the commission in question does not decide whom to employ, nor does it conduct hearings regarding the employment or the discipline and removal of police officers. Those duties are performed by the city council. A majority of the Committee finds that the commission is thus not concerned with issues of fact or policy, and that its duties are ministerial in nature. For that reason, a majority of the Committee holds that membership on the commission is not within the prohibition of Canon 5G and is therefore permissible.

This opinion is limited to the commission herein described, and is not to be taken as applicable to any other commission or committee or other position.


Chairman
Ethics Committee of the Kentucky Judiciary